

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

e-WATCH, INC.,

Plaintiff,

VS.

ACTi CORPORATION, INC.,

Defendant.

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CIVIL ACTION NO. SA-12-CA-695-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The Court has considered the Report and Recommendation of the United States Magistrate Judge filed in the above-captioned cause on August 9, 2013 (docket #42). To date, no objections to the Report and Recommendation have been filed by any of the parties.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). The Recommendation shall therefore be accepted pursuant to 28 U.S.C. § 636(b)(1) such that Defendant ACTi's Opposed Motion for Stay (docket #37) should be GRANTED and: (1) all unexpired deadlines in the Scheduling Order should be SUSPENDED pending further order of the Court; (2) this case should be immediately STAYED and ADMINISTRATIVELY CLOSED pending further order of the Court, and (3) the parties shall file joint or separate advisories within thirty (30) calendar days of the conclusion of *inter partes* review of each of the three patents-in-suit which are the subject of the *inter partes* review, providing


¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." *Id.* at (E).

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the Court notice of the conclusion of the proceedings, the parties' position(s) on whether any appeal of any *inter partes* review decision will be pursued, an estimate on the time required for any appellate proceedings, and any other relevant matters (to include a brief report on the status of any other relevant *inter partes* review proceeding then pending before the PTAB or on appeal); unless and until the Court orders otherwise, the stay and administrative closure of this case will continue through the conclusion of any appellate proceedings regarding any patent-in-suit.

Accordingly, it is hereby ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause on August 9, 2013 (docket #42), is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendant ACTi's Opposed Motion for Stay (docket #37) is GRANTED and: (1) all unexpired deadlines in the Scheduling Order ARE SUSPENDED pending further order of the Court; (2) this case is hereby STAYED and ADMINISTRATIVELY CLOSED pending further order of the Court, and (3) the parties are ORDERED to file joint or separate advisories within thirty (30) calendar days of the conclusion of *inter partes* review of each of the three patents-in-suit which are the subject of the *inter partes* review, providing the Court notice of the conclusion of the proceedings, the parties' position(s) on whether any appeal of any *inter partes* review decision will be pursued, an estimate on the time required for any appellate proceedings, and any other relevant matters (to include a brief report on the status of any other relevant *inter partes* review proceeding then pending before the PTAB or on appeal); unless and until the Court orders otherwise, the stay and administrative closure of this case will continue through the conclusion of any appellate proceedings regarding any patent-in-suit.

It is so ORDERED.

SIGNED this 26th day of August, 2013.


FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE